IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.1186 OF 1992

Maharashtra State Road Transport
Corporation, Bombay. Appellant
(Orig.Opponent no.5)

vs.

1. Shri Hanmant Bhikoba Tandale;
2. Shri Nasir Mahamad Inamdar;
3. Shri Mahamad Amir Inamdar;
4. The United India Insurance Company
Ltd., Satara. Respondents
(Respondent no.1-original applicant)
(Respondent no.2-4-original opponent
nos.1-3)

Mr.C.M.Lokesh i/b.Mr.G.S.Hegde for the appellant.

Mr.Ameya Tamhane i/b.Ms.Seema Sarnaik & Mr.J.N.Patel
for respondent no.4.

CORAM : ANOOP V. MOHTA,J.

DATED : 3rd July, 2007

ORAL JUDGMENT:

The present appeal is filed by the appellant-Maharashtra State Road Transport Corporation (MACT) and thereby challenged the order dated 16.3.1992 passed by the Member, MACT, Satara whereby the claim of the respondent-claimant has been allowed in the following terms:

" The claim petition is hereby allowed.

. The Opponent Nos. 1 to 5 who are jointly and severally liable shall pay Rs.40,000/- to the petitioner together with costs and future interest at 12 percent per annum on the same

amount of Rs.40,000/- from the date of petition till realisation of the whole of the amount. It is hereby made clear that the responsibility interse in the accident of the opponent nos. 1 to 3 on one hand and opponent Nos. 4 and 5 on the other i.e. the Truck and the S.T. Bus is 60 percent and 40 percent respectively."

2. The learned counsel for the appellant basically submitted that the liability as imposed of 60% upon the original opponent nos.1,2,3 on one hand and original opponent nos. 4 and 5 on the other hand, i.e. truck and the S.T. Bus to the extent of 60% and 40% respectively is not correct.

3. With the assistant of the learned counsel appearing for the parties, I have gone through the evidence on record. Based on admission made by the driver of the truck, a submission is raised that the S.T.Bus in question was standing when the truck came from opposite direction and dashed and that resulted into the injury to the claimant. However, after considering the evidence in toto, I find that there is no such case made out by the appellant to prove that the Bus was standing at the relevant time. There is material on record based upon which the learned Tribunal rightly came to the conclusion and awarded the finding as recorded above. There is no perversity in the said finding.

4. So far as 7 multiplier is concerned, considering the provisions of Motor Vehicles Act, 1988 and in the facts and circumstances of the case, I am not inclined to interfere with the same multiplier also.

5. The learned counsel for the appellant lastly submitted that the interest as awarded at the rate of 12% is on higher side.

6. Considering the fact that the award is of 1992 and as the discretion has been exercised by the Tribunal, at the stage of the proceedings, I am not inclined to interfere with the rate of interest.

7. In the result, the appeal fails and it is dismissed accordingly.

[ANOOP V. MOHTA,J.]